

Mail Stop Interference
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Filed 26 May 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

GM Global Technology Operations, Inc.,
Junior Party
(Patent 7,459,065
Inventors: Nelson A. Kelly and Thomas L. Gibson),

v.

Thomas W. Oakes,
Senior Party
(Application 10/785,234).

Patent Interference No. 105,692 (RES)
(Technology Center 1700)

DECLARATION - Bd.R. 203(b)¹

1 Part A. Declaration of interference

2 An interference is declared (35 U.S.C. § 135(a)) between the above-identified
3 parties. Details of the application(s), patent (if any), reissue application (if any), count
4 and claims designated as corresponding or as not corresponding to the count appear in
5 Parts E and F of this DECLARATION.

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 Part B. Judge managing the interference

2 Administrative Patent Judge Richard E. Schafer has been designated to manage
3 the interference. 37 C.F.R. § 41.104(a).

4
5 Part C. Standing order

6 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
7 DECLARATION. The STANDING ORDER applies to this interference.

8
9 Part D. Initial conference call

10 A telephone conference call to discuss the interference is set for 4:30 p.m. on
11 July 16, 2009 (the Board will initiate the call).

12 No later than two business days prior to the conference call, each party shall
13 file and serve (SO ¶¶ 10.1 & 105) a list of the motions (37 C.F.R. §§ 41.120 & 204;
14 SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

15 A time periods for taking action during the motion phase are set in an order
16 accompanying this declaration.

17
18 Part E. Identification and order of the parties

19 Junior Party

20 Named Inventors: Nelson A. Kelly, Sterling Heights, MI
21 Thomas L. Gibson, Utica, MI

22 Involved Patent: 7,459,065

23 Title: Hydrogen Generator Photovoltaic Electrolysis
24 Reactor System

25 Assignee: GM Global Technology Operations, Inc.

Senior Party

Named Inventor: Thomas W. Oakes, La Mesa, CA
Involved Application: 10/785,234
Title: System and Method for Generating Hydrogen Gas
Using Renewable Energy
Assignee: None

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. 37 C.F.R. § 41.154(c)(1); SO ¶ 154.2.1. The senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

Part F. Count and claims of the parties

Count 1

Claim 5 Oakes Application 10/785,234 or Claim 34 of GM Patent 7,459,065.

The claims of the parties:

Application 10/785,234: Claims: 1, 3-20, 23-27, 29-35
Patent 7,459,065: Claims: 1-36

The claims of the parties corresponding to Count 1:

Application 10/785,234: Claims: 1, 3-20, 23-27, 29-35
Patent 7,459,065: Claims: 1-30, 34-36

The claims of the parties that do not correspond to Count 1, and therefore are not involved in the interference:

Application 10/785,234: Claims: None
Patent 7,459,065: Claims: 31-33

1 The parties are accorded the following benefit for Count 1:

2 Application 10/785,234: None

3 Patent 7,459,065: None

4
5 Part G. Heading to be used on papers

6 The following heading must be used on all papers filed in this interference.
7 SO ¶ 106.1.1:

Paper Leave blank

Filed on behalf of: *Party @*.

By: *Counsel Name(s) @*

Address @

(*@@@*) *@@@* - *@@@@* (telephone)

(*@@@*) *@@@* - *@@@@* (facsimile)

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TITLE OF PAPER

1 Part H. Order form for requesting file copies

2 When requesting copies of files, use of SO Form 4 will greatly expedite
3 processing of the request. Please attach a copy of Parts E and F of this
4 DECLARATION with a hand-drawn circle around the patents and applications for
5 which a copy of a file wrapper is requested.

/Richard E. Schafer/
Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Copy U.S. Patent 7,459,065
Copy of claims of Application 10/785,234

cc (via overnight delivery):

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